

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

WILLIAM M., ¹)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 7:17-cv-00296
)	
NANCY A. BERRYHILL, Commissioner)	By: Elizabeth K. Dillon
of Social Security,)	United States District Judge
)	
Defendant.)	

ORDER AND FINAL JUDGMENT

Plaintiff William M. brought this action for review of defendant Nancy A. Berryhill's (the commissioner's) final decision denying his claim for disability insurance benefits (DIB) under the Social Security Act (the Act). *See* 42 U.S.C. § 405(g) (2012) (authorizing a district court to enter judgment "affirming, modifying, or reversing the decision of the Commissioner of Social Security"). The parties filed cross-motions for summary judgment, which the court referred to United States Magistrate Judge Robert S. Ballou for a report and recommendation (R&R) pursuant to 28 U.S.C. § 636(b)(1)(B). In his report, the magistrate judge concluded that substantial evidence supported the commissioner's decision. (Dkt. No. 16.)

The magistrate judge also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within fourteen days of service of the R&R. (*Id.* at 18.)

The deadline to object to the R&R has passed, and no party has filed an objection. "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but

¹ Due to privacy concerns, the court is adopting the recommendation of the Committee on Court Administration and Case Management of the Judicial Conference of the United States that courts use only the first name and last initial of the claimant in social security opinions.

instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Upon reviewing the record, the court is satisfied that there is no clear error on the face of the R&R. Accordingly, the court hereby ORDERS as follows:

1. The R&R (Dkt. No. 16) is ADOPTED;
 2. The plaintiff’s motion for summary judgment (Dkt. No. 12) is DENIED;
 3. The Commissioner’s motion for summary judgment (Dkt. No. 14) is GRANTED;
- and
4. The case is STRUCK from the court’s active docket.

The clerk is directed to send a copy of this order to all counsel of record.

Entered: September 27, 2018.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge